

DELBELLO DONNELLAN WEINGARTEN  
WISE & WIEDERKEHR, LLP  
*Proposed Attorneys for the Debtor*  
One North Lexington Avenue  
White Plains, New York 10601  
(914) 681-0200  
Jonathan S. Pasternak, Esq.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

## Chapter 11

## FINGER LAKES DEBT PARTNERS, LLC

Case No. 17-20000 (RDD)

Debtor.

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**AMENDED AFFIDAVIT OF JONATHAN S. PASTERNAK IN SUPPORT  
OF APPLICATION TO EMPLOY AND RETAIN DELBELLO  
DONNELLAN WEINGARTEN WISE & WIEDERKEHR, LLP AS  
ATTORNEYS FOR THE DEBTOR, NUNC PRO TUNC, AS OF THE  
FILING DATE**

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF WESTCHESTER )

JONATHAN S. PASTERNAK, being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice before this Court and a partner of the firm DelBello Donnellan Weingarten Wise & Wiederkehr, LLP (“DDWWW”) One North Lexington Avenue, White Plains, New York 10601.

2. I submit this amended Affidavit in support of the Application of Finger Lakes  
Debt Partners, LLC, the above-captioned debtor and debtor-in-possession (the “Debtor”) to  
Employ and Retain DDWWW as Attorneys for the Debtor in connection with the above-  
captioned Chapter 11 cases on the terms set forth in the accompanying Application.

3. Neither I, nor DDWWW or any attorney at DDWWW has any connection with

the Debtor, its creditors, or any other party in interest herein or their respective attorneys except that DDWWW currently represents the Debtor's managing member and affiliate, Finger Lakes Capital Partners, LLC ("FLCP") in its pending Chapter 11 proceeding before this Court under case no. 16- 22112. FLCP holds a 0.55% membership interest in the Debtor. Notwithstanding such relationship, neither entity is a creditor of the other, nor have there ever been any intercompany transfers or transactions between them whatsoever. Furthermore, neither I nor DDWWW or any attorney at DDWWW is a pre-petition creditor of the Debtor.

4. Based upon all of the foregoing, I respectfully submit that DDWWW does not hold or represent any interest adverse to the Debtors herein or its estate, in the matters upon which they are to be engaged.

5. DDWWW shall make proper application to the Court for compensation for the services rendered to the Debtor in this proceeding pursuant to § 330 of the Bankruptcy Code and pursuant to the procedures established by any order pursuant to 11 U.S.C. Sections 105(a) and 331 Establishing Procedures for Monthly Compensation and Reimbursement of Expenses of Professionals as may be further entered by this Court.

**Disinterestedness**

6. To the best of my knowledge, the law firm of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP is a disinterested person within the meaning of § 101(14) of the Bankruptcy Code in that its members and associates (a) are not creditors, equity security holders or insiders of the Debtor, (b) are not and were not within two years before the Filing Date a director, officer or employee of the Debtor, (c) do not have an interest materially adverse to the interest of the estate, or any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in the Debtor, or for any other reason.

**Disclosure Procedures**

7. In preparing this affidavit, a conflict search was conducted which compared a list of the Debtor's known creditors, members, directors, officers, debtors, and financial institutions (the "Potential Party List") against DDWWW's database of all existing and prior matters and contacts (the "Database"). No parties on the Potential Party List were identified by Deponent as current or former clients of the firm, or in any way related, such that DDWWW could not be opposed to them.

8. Insofar as I have been able to ascertain, DDWWW is a disinterested party within the meaning of section 101(14) of the Bankruptcy Code, holds nor represents any adverse interest to and has no connections to the Debtor, the Debtor's estate, its creditors or any other party in interest herein or their respective attorneys and accountants with respect to matters for which DDWWW is to be engaged, other than as specifically set forth above.

9. DDWWW is not aware of any past or present relationship that would disqualify DDWWW from representing the Debtor.

**Billing Rates**

10. DDWWW's billing rates for 2017 are as follows:

Attorneys -	\$375 to \$620 per hour
Paralegals -	\$150.00 per hour

11. DDWWW shall promptly notify the Debtor, with a copy to the Office of the U.S. Trustee, of all changes in DDWWW's billing rates.

12. DDWWW received a pre-petition retainer in the amount of \$16,000 from the Debtor. None of the pre-petition retainer was paid towards or on account of any antecedent debt owed to the Deponent's firm by the Debtor within Bankruptcy Code §547 period. Furthermore,

no payments other than the pre-petition retainer were received by Deponent's firm within the Bankruptcy Code §547 period. Accordingly, Deponent submits that the pre-petition retainer received by Deponent's firm is not a preferential or otherwise avoidable payment and that neither Deponent nor Deponent's firm holds nor represents any adverse interest to the Debtors or its estate on matters in which Deponent seeks to be retained.

13. This retainer shall be applied towards Chapter 11 fees and expenses, and is therefore not to be considered an "evergreen retainer" as such term is more commonly known.

14. DDWWW has agreed not to share compensation received in connection with the Debtor's proceeding with any other entity, except as permitted under the Bankruptcy Code for sharing among members and associates of DDWWW.

**WHEREFORE**, your Deponent respectfully requests the entry of an order authorizing DDWWW to represent the Debtor in this Chapter 11 proceeding, together with such other and further relief as is proper.

*/s/ Jonathan S. Pasternak*  
Jonathan S. Pasternak

Sworn to before me this  
24th day of January, 2017

*/s/ Bryn A. Leonardo*  
Notary Public